

Mary A. Gade
Regional Administrator
United States Environmental Protection Agency
Region V



Under the authority of CERCLA Section 105 (d), as amended, the petitioners,

Antonie Parker
4614 Warsaw Avenue
Lyons, Illinois 60534
708-203-6696

and

Robert Jonak
4351 S. Custer Avenue
Lyons, Illinois 60534
708-442-5774

Margie,
This is the original incoming letter for control RS-07-001-7104. There is a CD included. Please make sure that the SF staff person that is preparing the response receives it.

Thanks
Gaynor

hereby request that Region V of the United States Environmental Protection Agency conduct a preliminary assessment of the actual and suspected release of a hazardous substance, pollutant, or contaminant at the following loca .

4152 Lawndale Avenue Lyons, Illinois 60534, also known as The Village of Lyons (Cook County, Illinois) TIF #4 Lyons Landfill (primary site) and immediately surrounding area, including, but not limited to, Smith Park and Reliable Materials Lyons LLC. The primary site consists of the northeast most 12.7 acres of the former Material Services Corporation Yard 18 (FRS 110001810577). The property is bounded on the north by Route 34 (Ogden Avenue), on the east by Lawndale Avenue, and on the south and west by the remainder of the Material Service Yard property, now held by Reliable Materials Lyons LLC. Appended aerial Photographs A & B show the primary site and its relationship to the immediately surrounding areas, including Smith Park and densely populated residential neighborhoods to the east of the site, and the Cook County Forest Preserve Bike Path and Plank Road Forest Preserve, Des Plaines River and its tributary, Salt Creek, directly north.

Petitioners are affected by the release because:

Results of preliminary and subsequent rounds of soil gas, flux and other testing conducted by Bradburne, Briller & Johnson, LLC (BB&J) for the Village of Lyons during the first half of 2007, revealed the presence of numerous toxic substances, known or suspected human carcinogens, heavy metals, and gases and volatile organic compounds on the primary site. According to BB&J's analysis, which included modified Johnson & Ettinger modeling to assess vapor intrusion, many of these substances were present in concentrations that pose a severe risk to human health and/or public safety through vapor intrusion into the proposed overlying structures (See attached printouts of BB&J reports and CD containing complete correspondence, DRM-1 form for admission into IEPA Voluntary Site Remediation Program, and Limited & Preliminary Soil Gas Investigation (02/23/2007) and Phase II ESA – Lyons Landfill: Future Use Evaluation (06/13/2007), obtained from the IEPA under FOIA by Petitioner Jonak in September of 2007). Although more than 29 potentially harmful and/or dangerous substances were identified on-site during these investigations, the constituents posing the greatest hazard to human health (carcinogenicity and /or toxicity) and/or individual and public safety (fire or explosion) -- and therefore of great concern to Petitioners—included:

- Methane, found throughout the site, with concentrations at some test sites falling within explosive limits;
- Flammable solvents, such as acetone, methyl ethyl ketone, n-heptane and n-hexane;
- Trichloroethylene (TCE), benzene and vinyl chloride monomer;
- Benzo-(a)-pyrene and other polycyclic aromatic hydrocarbons;
- Lead, arsenic, mercury, cadmium, chromium of undetermined valency, barium; and
- Carbon disulfide.

Prior to any soil or other environmental testing, the Village of Lyons retained outside workers to perform extensive excavation on the northeast portion of the property, removing a forty foot berm and retention pond (See pictures 1 & 2) . No precautions were taken to control dust or other releases to air during the work. High levels of polycyclic aromatic hydrocarbons and heavy metals were detected at the disturbed area in subsequent testing. Directly across Ogden Avenue from the excavation is the Cook County Forest Preserve Bike Path and Plank Road Forest Preserve, which, among other activities, hosts children's soccer leagues both days of every weekend during the spring and summer months. Although Petitioners have not yet estimated the amount of probable emissions attributable to the heavy earth moving activities using AP-42 Emission Factors, it is reasonable to assume that a substantial amount of contaminated soil may have been

released.

Carbon disulfide concentrations measured outside the primary site during an 8 hour soil flux test at the infield of the Little League diamond of Smith Park were – at $5.9 \mu\text{g}/\text{m}^3$ or roughly 1900 ppt – two orders of magnitude greater than the 65 ppt reported by the US EPA as a typical background concentration for urban/suburban areas. Smith Park, intensively utilized by the Village of Lyons for special events as well as structured and non-structured recreational activities, attracts substantial numbers of both village residents and non-residents, including sensitive populations, such as the elderly, children of all ages, pregnant and nursing women, and individuals with chronic disease. Detection of what may be elevated levels of carbon disulfide at Smith Park suggests that constituents of concern may be migrating beyond the boundaries of the primary site via soil, ground water or fractured bedrock to adjacent residential neighborhoods and Cook County Forest Preserve lands. Recently citizens have made complaints of foul odors along Ogden Avenue at the northern boundary of the site; residents of Lyons have also complained of similar odors emanating from their drains and the sewers. The same odor is occurring intermittently in the wash rooms of the Lyons Library on Joliet Avenue, which is located approximately two blocks east from the primary site.

BB&J stated in their report of June 13th that, based on a 1998 Village of Lyons Ordinance prohibiting the use of wells within the municipality for potable water, there is no completed exposure pathway via drinking water. Petitioners, however, believe that given the set of circumstances listed below, the existence of a completed exposure pathway through drinking water can not reasonably be ruled out without further investigation:

- The presence of multiple hazardous substances in excess of remediation targets in soil and ground water on-site;
- The close proximity of the site to municipal sanitary and storm water sewer and water lines and residential housing units;
- The age and condition of both municipal utilities and the housing stock;
- The large number of routine (planned maintenance and flushing) and non-routine (breaks) occurrences where positive pressure in the water system has been lost;
- A long history of surface mining just adjacent to the primary site, with a recent history of at least five blasts that exceeded state standards and damaged buildings directly in line with the site as far away as Riverside. The current operator, Reliable Materials Lyons LLC, has paid at least two blast damage claims to residents of Lyons. From May through the end of December 2006, Reliable repeatedly blasted for mining and construction purposes, in

addition to accepting so-called clean fill construction debris.

Contaminants may also be migrating from the primary site to the adjoining quarry via run-off and fractures in the rock. Under NPDES IL0070572, Reliable Materials Lyons LLC pumps ground water and seepage collected at the bottom of the quarry pit and discharges it to the storm sewer running along Ogden Ave. This storm sewer continues east along Ogden Avenue and discharges directly into the Des Plaines River. The above-mentioned Storm Water Discharge Permit allows the Operator to self monitor, and only requires monitoring and reporting of flow, pH and Total Suspended Solids (TSS) (See attached Village of Lyons map of storm sewer and Representative Monitoring Report). Reliable intends to replace the existing 200 gallon/minute water sump pump with one capable of handling 900 gallons/minute.

Any references to or information concerning blasting, surface mining, and other historical activities on this site have been pointedly excluded from documents submitted to and correspondence with the IEPA Voluntary Remediation Program. As a result, the IEPA is currently treating this site as if it were a merely localized spill or leaking underground storage tank, with no potential for continued contamination or exposures beyond the boundaries of the primary site (See attached article from the Suburban Life Newspaper, dated October 14th, 2007). Constituents of concerns (COCs) are almost certainly migrating off-site, given the presence of substantially fractured bedrock underlying the primary site and surrounding areas, the history of repeated and severe blasting, and the age of the surrounding residential and commercial structures and water, storm and sanitary sewer systems. By focusing solely on the minimum of containment measures limited to the primary site, the IEPA is ensuring that issues off-site will continue to adversely impact health and the environment. There appears to be no mechanism by which the IEPA can conduct a Hazard Ranking or other comprehensive Risk Assessment to provide guidance in selecting appropriate remediation for such complex sites. Unfortunately, it is clear that none of the remediation options proposed thus far will mitigate present or prevent future off-site impacts from migration or releases of COCs from this site into the surrounding areas.

The Illinois Environmental Protection Agency's Voluntary Remediation Program has repeatedly failed to assert its authority and require remediation to a safe level before allowing construction and marketing of residential and commercial properties on two highly contaminated sites: LPC# 0311535104 Timber Trails Country Club and LPC# 0310060006 McCook Metals LLC (See attached IEPA Summary Sheets for each, which show that NFR Letters were never issued). In both the above cited cases, remediation efforts were abandoned by the Responsible Parties, with no effective follow-up or enforcement from the IEPA. In the case of McCook Metals, at least one

Potentially Responsible Party, Pechiney Metals/Alcan Aluminum, was never identified or held accountable by the IEPA. Not once has the IEPA communicated with the affected communities concerning the McCook Metals site. Attached email from IEPA Voluntary Remediation Program Manager Baldwin to Petitioner Jonak clearly demonstrates the IEPA's self-imposed limits on exercising their authority on behalf of communities and sensitive environments at risk, and their continuing reluctance to encourage the community to participate meaningfully in decision making.

Type or characteristics of the substance(s) involved:

Constituent of Concern	Constituent of Concern
Acetone	Trichloroethene (TCE)
Benzene	1, 1, 2 - Trichlorotrifluoroethane
Methyl Ethyl Ketone	1, 2, 4 - & 1, 3, 5 - Trimethylbenzene
Carbon Disulfide	Vinyl Chloride
Carbon Tetrachloride	mixed Xylenes
Chloromethane	Methane
Cyclohexane	Benzo(a)pyrene
1, 2 - Dichloroethane	Benzo(a)anthracene
1, 1 - Dichloroethene	Benzo(b)fluoranthene
cis- & trans- 1, 2- Dichloroethene	Carbazole
Ethylbenzene	Indeno(1,2,3-cd)pyrene
4 - Ethyltoluene	Dibenzo(a,h)anthracene
n - Heptane	Naphthalene
n -Hexane	cadmium
n - Hexanone	lead
Diacetone Alcohol	arsenic
Propene	mercury
Styrene	barium
Tetrachloroethene	chromium
Toluene	4, 4' -DDD, 4, 4' - DDE, 4,4' - DDT
1, 1, 1 - Trichloroethane	

Substances in bold face were found above actionable limits on-site

Nature and history of any activities that have occurred regarding the release/threatened release:

Limestone aggregate surface mining operations have taken place on what was recently the Material Service Corporation Yard 18 property—now split between the Lyons Landfill and Reliable Materials Lyons LLC sites – since the 1890's. Rumors and statements from former workers contend that from the 1950's to 1980, the eastern portion of the site was used to dispose of chemicals, used truck tires, railroad ties, coal tar (Com Ed plant on Pulaski Road in Chicago circa early 1950s) and foundry sand (Western Electric Hawthorne plant in Cicero circa early – mid 1960s). In the early 1970s, Palumbo Asphalt (Orange Crush) maintained a facility on the site (their base of operations for construction of the Eisenhower Expressway) and allegedly spilled and/or disposed of asphalt waste and by-products on-site. Midnight dumpers also allegedly utilized the site during this timeframe. Witnesses to the above history include:

William Price – Retired head of North American operations for Material Service in the 1970's to the 1980's.
8101 White Ave. Lyons Il. 60534
Home Phone # (708)-447-7043

Walter F. Bialas- Retired from Material Service in Lyons. Worked in the 1960's to the 1980's in Lyons.
8424 45th Street Lyons Il. 60534
Home Phone # (708)-447-8629

Art King – Retired from Material Service in Lyons as head of Quality Control for concrete production in Lyons. Worked in the 1960's to 1990's at Material Service in Lyons.
4436 Gage Ave. Lyons Il. 60534
Home Phone (708)-447-5824

Henry Metz- Retired from Metz Joseph & Sons . Worked there in the 1950's to 1980's. Picked up stone daily from Material Service and worked across the street for 35 years.
8136 Ogden Ave.
(708)-447-4914

Lyman Martin- Owner of Trucking Site on Material Service property for 42 years on Riverside Ave In Lyons. Operated Dump trucks hauling stone for Material Service, leased property from Material Service.
169 Woodside Rd. Riverside Il. 60525
(708)-447-9539

Lyndon L. Dean- Retired from Material Service. Was a Principal Engineer for M.S. for 30 years
39 Faren Lane, Waynesville, SC 28786-6024

All of these people have witnessed dumping and improper disposal of waste materials at the site in question





RELIABLE MATERIALS LYONS L.L.C. CCDP
Opened January 2005

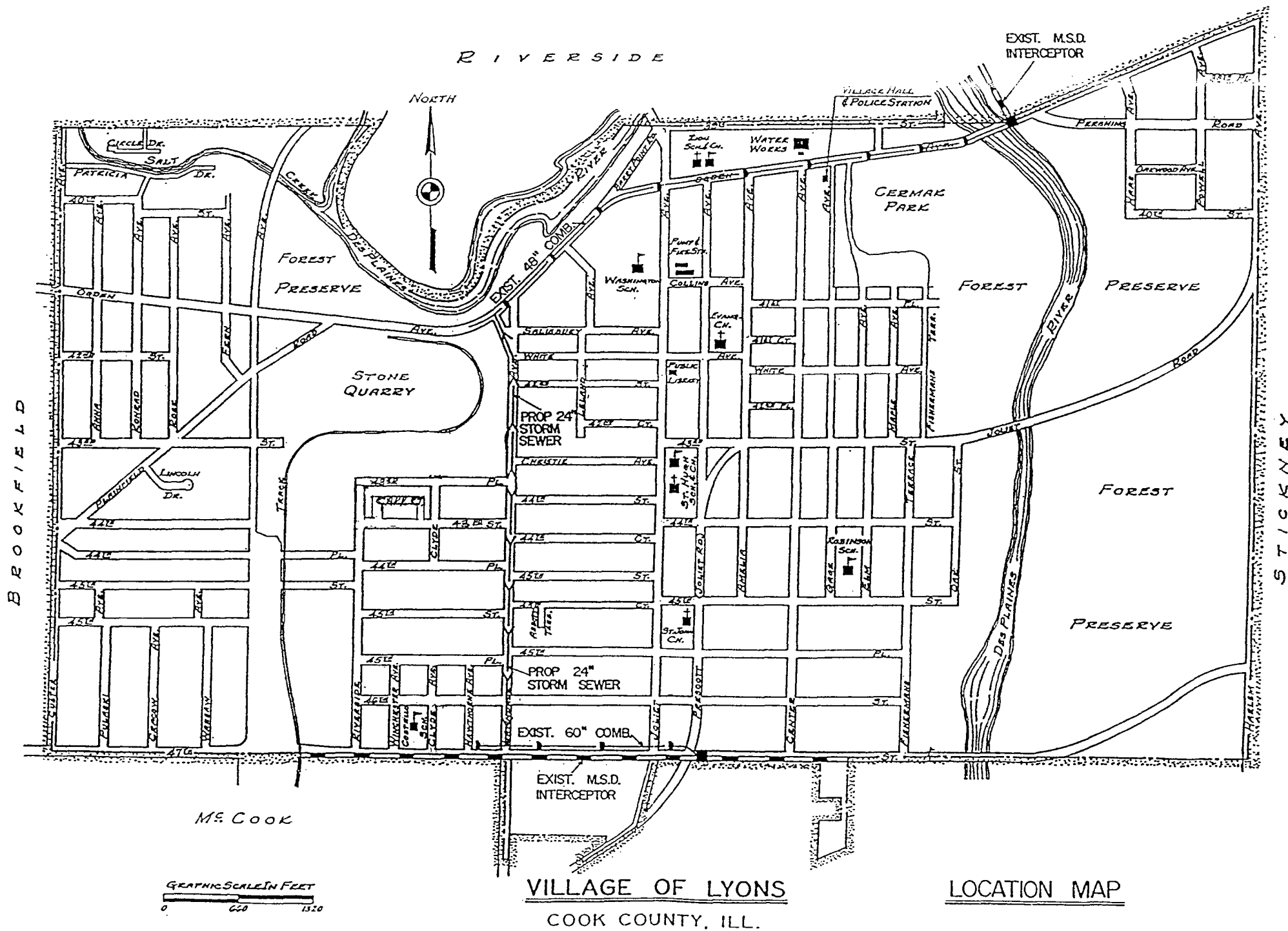


MODIFIED FILL OPERATION
TO PROVIDE A LEVEL 12 ACRES TO THE VILLEGE



ANNEX AGREEMENT – REMOVAL OF POND AND BERMS

We leveled the land and removed additional village garbage (garbage only)



PERMITTEE NAME/ADDRESS (Include Facility Name/Location if Different)

NAME ~~MATERIAL SERVICE CORPORATION~~

ADDRESS ~~4401 S. First Ave.~~

LYONS

IL 60534

FACILITY ~~Reliable Materials Lyons, 4401 S. First Ave.~~

LOCATION ~~MATERIAL SERVICE CORP. YARD~~

LYONS

IL 60534-1199 FROM

NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES)
DISCHARGE MONITORING REPORT (DMR)

11 00 70572

PERMIT NUMBER

001 0

DISCHARGE NUMBER

MINOR

(SUBR 02)

F - FINAL

GROUNDWATER SEEPAGE AND SW
EFFLUENT

*** NO DISCHARGE ***

NOTE: Read Instructions before completing this form.

PARAMETER		QUANTITY OR LOADING			QUALITY OR CONCENTRATION				NO. EX	FREQUENCY OF ANALYSIS	SAMPL TYPE
		AVERAGE	MAXIMUM	UNITS	MINIMUM	AVERAGE	MAXIMUM	UNITS			
PH	SAMPLE MEASUREMENT	*****	*****		7.68	*****	7.68	(12)	0	285	GR
00400 1 0 0	PERMIT REQUIREMENT	*****	*****	***	5.0	*****	9.0			ONCE/	GRAB
EFFLUENT GROSS VALUE				***	MO. MIN		MO. MAX	SU		MONTH	
SOLIDS, TOTAL	SAMPLE MEASUREMENT	*****	*****	(.26)	*****	23.0	23.0	(19)	0	285	GR
SUSPENDED	PERMIT REQUIREMENT	*****	*****		*****	35	70			ONCE/	GRAB
00530 1 0 0				LBS/DY		30DA AVG	DAILY MX	MG/L		MONTH	
EFFLUENT GROSS VALUE	SAMPLE MEASUREMENT	0.58	0.58	(03)	*****	*****	*****		0	285	GR
FLOW, IN CONDUIT OR	PERMIT REQUIREMENT	REPORT	REPORT		*****	*****	*****	***		ONCE/	GRAB
THRU TREATMENT PLANT		30DA AVG	DAILY MX	MGD				***		MONTH	
50050 1 0 0	SAMPLE MEASUREMENT										
EFFLUENT GROSS VALUE	PERMIT REQUIREMENT										
	SAMPLE MEASUREMENT										
	PERMIT REQUIREMENT										
	SAMPLE MEASUREMENT										
	PERMIT REQUIREMENT										
	SAMPLE MEASUREMENT										
	PERMIT REQUIREMENT										
	SAMPLE MEASUREMENT										
	PERMIT REQUIREMENT										

NAME/TITLE PRINCIPAL EXECUTIVE OFFICER

William Haworth
Manager

TYPED OR PRINTED

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

SIGNATURE OF PRINCIPAL EXECUTIVE
OFFICER OR AUTHORIZED AGENT

TELEPHONE

DATE

(708) 447-1100 07 02 05

AREA CODE NUMBER YEAR MO DAY

COMMENTS AND EXPLANATION OF ANY VIOLATIONS (Reference all attachments here)

Illinois Environmental
Protection Agencywww.epa.state.il.us

Rod R. Blagojevich, Governor

Site Remediation

SRP Site Name: Timber Trails Country Club

Active: Yes**LPC#:** 0311535104 **USEPA ID:** _**Address:** 11350 Plainfield Road

LaGrange, IL 60558- Cook County

Date Enrolled: 4/20/2005

Map this site with

MAPQUEST

Remediation Applicant:

Western Springs One, L.L.C.

Point of Contact:

Brian Taylor

Address:2500 West Higgins Road Suite 120
Hoffman Estates, IL 60195-
(847) 519-9230**Phone:****Consultant:**

ELM Consulting, L.L.C.

Point of Contact:600 Hart Road Suite 130
Barrington, IL 60010-**Address:****Phone:****Section 4(y) Letter:****No Further Remediation Letter:** _**Project Manager:** Hall

Illinois Environmental
Protection Agencywww.epa.state.il.us

Rod R. Blagojevich, Governor

Site Remediation

SRP Site Name: McCook Metals, L.L.C.

Active: Yes**LPC#:** 0310060006 **USEPA ID:** ILD005180070**Address:** 4900 1st Avenue

McCook, IL 60525- Cook County

Date Enrolled: 5/7/1999

Map this site with

**Remediation Applicant:****Point of Contact:****Address:****Phone:**

Reynolds Metals Company

Douglas Macauley

6601 West Broad Street

Richmond, VA 23230-

(804) 281-3952

Consultant:**Point of Contact:****Address:****Phone:**

CH2M Hill

8501 West Higgins Road Suite 300

Chicago, IL 60631-2801

Section 4(y) Letter:**No Further Remediation Letter:****Project Manager:** Lucas

LYONS

Village plans remediation for future park

By Colleen McBrien
cmcmbrien@libertysuburban.com

State environmental experts say the Village of Lyons is on track with cleaning up land slated for a new park and municipal center.

After the village this year unearthed potential contamination hazards in the land, officials now say a tentative cleanup plan is in place.

Citing its enrollment in the Illinois Environmental Protection Agency's voluntary Site Remediation Program, representatives from Bradburne, Briller and Johnson, the company that conducted the initial report, said the village is doing more than what is required.

"If we only had to do the minimum necessary, we wouldn't have to do anything," said Kevin Close, a village consultant. "We asked to go above and beyond."

After following IEPA guidelines to clean up the quarry land and one "hot spot" near the Smith Park tennis courts, village officials hope to receive a No Further Remediation letter from the state.

"If a site is enrolled in our program ... a

(No Further Remediation letter) is their ultimate goal," said Jill Watson, an IEPA spokeswoman. "They provide us with a plan of remediation in cleaning up the contamination and we review it. The ultimate end goal is when they receive from us (a letter saying) 'You don't have to remediate (further), you have remediated!'"

BB&J representatives Tim Bradburne and Andrew Bajorat said a clay cap will most likely go over the tainted soil at the proposed Smith Park location over the old quarry.

"The remediation solution for the recreation area is going to be a cap. A clay cap is ... a barrier," Bradburne said. "The asphalt could be a cap or clay or soil. It will take as long as it takes for trucks to bring clean clay out."

Bradburne said the clay cap will be about three inches deep and will suffice in blocking any harmful vapors in the soil from reaching the ground above it, he said. Both Bradburne and Bajorat said they would be comfortable being in the park after remediation.

IEPA Project Manager Rick Lucas said barriers such as clay caps are common in

remediation programs and are a safe solution.

"They submitted their site investigation to our program and we've reviewed both of them," Lucas said. "I imagine (they'll use) ... barriers. The rules contain various options anywhere in the extremes of the digging out of the material to leaving it in with certain controls mechanisms."

Close said the total remediation of the current and proposed Smith Park locations and the site of the future municipal building next to the future park will cost in excess of \$1 million. Close said Smith Park will be sold for about \$3.5 million and that money will go toward the remediation and construction.

Village President David Visk said Lyons officials knew what they were getting in to when they received the quarry land from Material Services, and they're prepared to fix it.

"This is what we want to do. People say, 'Look at the bag of coal you've bought,' but we didn't buy them," Visk said. "These seven acres we need to remediate is minor. Long-term planning is what we've been angling for anyway."

Illinois Environmental Protection Agency
Bureau of Land
Remedial Project Management Section
1021 North Grand Avenue East
P.O. Box 19276
Springfield, Illinois 62794-9276

FOR ILLINOIS EPA USE:

Log No. _____

\$500 Advance Partial Payment Included
DRM-1 SERP Form Included
DRM-2 Request for Assessment Included

Site Remediation Program Application and Services Agreement (DRM-1) Form

I. Site Identification:

Site Name: Quarry Reclamation District TIF #4
Street Address: South of the Southwest Corner of Ogden & Lawndale Avenues P.O. Box: _____
City: Lynn ZIP Code: 60534
County: Cook Approximate Size of Site (Acres): 15
Illinois Inventory I.D. Number: N/A USEPA I.D. Number: _____
Site Base Map Attached: ☒ Illinois EPA Permit(s): _____
LUST/TEMA Incident Number(s), if applicable: _____

RECEIVED

AUG 03 2007

II. Remediation Applicant ("RA"):

IEPA/BOL

RA's Name: Village of Lyons, IL c/o Robert K. Bush, Esq. Title: Attorney
Company: Amel Glick Diamond Bush DiLanni & Knafthofer, P.C.
Street Address: 140 South Dearborn Street P.O. Box: N/A
City: Chicago State: IL ZIP Code: 60606
Phone: 312-782-7606 FEIN or SSN: 36-6005979

I hereby certify that I am authorized to sign this application and services agreement. I certify that the proposed project meets the eligibility criteria set forth in Section 58.1(a)(2) of the Environmental Protection Act (415 ILCS 5/58.1(a)(2)) and regulations promulgated thereunder and that this submittal and all attachments were prepared at my direction. In consideration for the Illinois EPA's agreement to provide (subject to applicable law, available resources, and receipt of the advance partial payment) review and evaluation services for activities carried out pursuant to Title 17 of the Illinois Environmental Protection Act (415 ILCS 5/58-58.12), I agree to:

- (1) Conform with the procedures of Title 17 of the Illinois Environmental Protection Act (415 ILCS 5/58 - 58.12) and implementing regulations;
- (2) Allow for or otherwise arrange site visits or other site evaluations by the Illinois EPA when requested;
- (3) Pay any reasonable costs incurred and documented by the Illinois EPA in providing such services*; and
- (4) Make an advance partial payment to the Illinois EPA for such anticipated services provided in Section V of this application.

As the Remediation Applicant, I understand that I may terminate this services agreement at any time, by notifying the Illinois EPA in writing that services previously requested under the services agreement are no longer wanted. Within 180 days after receipt of the notice, the Illinois EPA shall provide me with a final invoice for services provided until the date of receipt of such notification.

To the best of my knowledge and belief, this request and all attachments are true, accurate and complete. I hereby certify that I have the authority to enter into this agreement.

RA's Signature: [Signature] Date: 7-26-07

*In addition to the fees applicable under this Services Agreement, the recipient of a No Further Remediation Assessment Letter shall pay the Illinois EPA a No Further Remediation Assessment in the amount of the lesser of \$2500 or an amount equal to the costs incurred by the Illinois EPA under this Agreement (35 IAC 740.615).

III. Project Objectives:

A.	Release Letter Requested. Please complete one of the subsections by checking applicable boxes and including other information (if necessary, additional information may be attached to this application form):	
<input checked="" type="checkbox"/>	Comprehensive No Further Remediation ("NFR") Letter	
<input type="checkbox"/>	Focused NFR Letter Identify the focused contaminants of concern by checking the applicable box(es): <div style="display: flex; justify-content: space-between;"> <input type="checkbox"/> Volatiles <input type="checkbox"/> BTEX <input type="checkbox"/> PCBs <input type="checkbox"/> Metals <input type="checkbox"/> Semivolatiles <input type="checkbox"/> PNAs </div> <div style="display: flex; justify-content: space-between;"> <input type="checkbox"/> Pesticides <input type="checkbox"/> Other (identify): _____ </div>	
<input type="checkbox"/>	4(y) Letter Identify the focused contaminants of concern by checking the applicable box(es): <div style="display: flex; justify-content: space-between;"> <input type="checkbox"/> Volatiles <input type="checkbox"/> BTEX <input type="checkbox"/> PCBs <input type="checkbox"/> Metals <input type="checkbox"/> Semivolatiles <input type="checkbox"/> PNAs </div> <div style="display: flex; justify-content: space-between;"> <input type="checkbox"/> Pesticides <input type="checkbox"/> Other (identify): _____ </div> Identify the media of concern by checking applicable boxes: <div style="display: flex; justify-content: space-between;"> <input type="checkbox"/> Soil <input type="checkbox"/> Sediments <input type="checkbox"/> Other: _____ </div> Identify the actions (e.g., drum removal, spill response, etc.): <div style="border-bottom: 1px solid black; height: 15px; margin-bottom: 5px;"></div> <div style="border-bottom: 1px solid black; height: 15px; margin-bottom: 5px;"></div> <div style="border-bottom: 1px solid black; height: 15px; margin-bottom: 5px;"></div> <div style="border-bottom: 1px solid black; height: 15px; margin-bottom: 5px;"></div> <div style="border-bottom: 1px solid black; height: 15px; margin-bottom: 5px;"></div>	
B.	Identify any support services being sought from the Illinois EPA in addition to the review and evaluation services (if necessary, additional information may be attached to this application form):	
<input checked="" type="checkbox"/>	No additional support services are being sought	
<input type="checkbox"/>	Assistance with community relations	
<input type="checkbox"/>	Sample collection and analyses	
<input type="checkbox"/>	Other (identify): _____	
C.	Anticipated Schedule	
	SRP Document	Projected Date of Receipt by Illinois EPA
	Site Investigation Report	August 13, 2007
	Remediation Objectives Report	September 10, 2007
	Remedial Action Plan	October 15, 2007
	Remedial Action Completion report	November 12, 2007
D.	Identify the current and post-remediation uses of the remediation site (if necessary, additional information may be attached to this application form):	
	Current Use: Clean construction and demolition debris (CCDD) landfill	
	Post-Remediation Use: Mixed use development (possible community center, recreational park and commercial developments.	

IV. Written Permission from the Property Owner (check one of the applicable boxes and provide additional information):

<input checked="" type="checkbox"/> RA is the property owner of the remediation site identified in Section I of this application.	
<input type="checkbox"/> RA is not the property owner of the remediation site identified in Section I of this application.	
Property Owner's Name: _____	
Title: _____	
Company: _____	
Street Address: _____ P.O. Box: _____	
City: _____	State: _____ ZIP Code: _____ Phone: _____
I hereby certify that the Remediation Applicant has my permission to enroll the site identified in Section I of this application into the Illinois EPA Site Remediation Program. I certify that the Remediation Applicant and designated representatives have permission to enter upon the indicated premises for the purpose of conducting remedial investigations or activities.	
Owner's Signature: _____ Date: _____	
For multiple property owners, attach additional sheets containing all the information above along with a signed, dated certification for each.	

V. Advance Partial Payment:

The Remediation Applicant shall select one of the following advance partial payment plans:	
<input checked="" type="checkbox"/>	Plan 1: A \$500 advance partial payment is included with this application. Please make the check payable to: "Illinois Environmental Protection Agency". Please include "For Deposit in the Hazardous Waste Fund" and the Remediation Applicant's FEIN or SSN on the check; or
<input type="checkbox"/>	Plan 2: Request that the Illinois EPA determine the appropriate partial payment (i.e., approximately one-half of the total anticipated costs of the Illinois EPA, not to exceed \$5,000). A completed DRM-3 form ("Request for Assessment of Advance Partial Payment for Anticipated Services") must accompany this application so that the Illinois EPA may determine the appropriate advance partial payment specific to the services requested.
NOTE: Illinois EPA cannot refund payments without a legislative appropriation. Payment under Plan 1 accelerates the review process but increases the risk of forfeiting the payment if the applicant is ineligible. Payment under Plan 2 may result in a larger advance partial payment when a final determination is made on the application, but it reduces the risk of forfeiture.	

If this application contains plans and reports for review and evaluation by the Illinois EPA, a completed Form DRM-2 must also accompany this submittal.

The Illinois EPA is authorized to require this information under Section 415 ILCS 520-36.12 of the Environmental Protection Act and regulations promulgated thereunder. Disclosure of this information is required as a condition of participation in the Site Remediation Program. Failure to do so may prevent this form from being processed and could result in your application being rejected. This form has been approved by the Permit Management Office. All information submitted as part of this Application is available to the public except when specifically designated by the Remediation Applicant to be treated confidentially as a trade secret or source process in accordance with the Illinois Compiled Statutes, Section 7(a) of the Environmental Protection Act, applicable Rules and Regulations of the Illinois Pollution Control Board and applicable federal EPA rules and guidelines.

Illinois Environmental Protection Agency
Bureau of Land
Remedial Project Management Section
1021 North Grand Avenue East
P.O. Box 19276
Springfield, Illinois 62794-9276

For ILLINOIS EPA Use
Log No. _____

Site Remediation Program Form (DRM-2)
(To Be Submitted with all Plans and Reports)

I. Site Identification:

Site Name: <u>Quarry Reclamation District TIF #4</u>			
Street Address: <u>South of the southwest corner of Ogden & Lawndale Avenue</u>		P.O. Box: _____	
City: <u>Lyons</u>	State: <u>IL</u>	Zip: <u>60534</u>	Phone: _____
Illinois Inventory I.D. Number: _____		IEBA Incident Number: _____	

II. Remediation Applicant:

Applicant's Name: <u>Mr. Robert K. Bush, Esq.</u>		Company: <u>Village of Lyons, IL c/o Robert K. Bush Esq.</u>	
Street Address: <u>140 South Dearborn Street</u>		P.O. Box: <u>n/a</u>	
City: <u>Chicago</u>	State: <u>IL</u>	ZIP Code: <u>60606</u>	Phone: <u>312-752-7606</u>
I hereby request that the Illinois EPA review and evaluate the attached project documents in accordance with the terms and conditions of the Environmental Protection Act (415 ILCS 5), implementing regulations, and the review and evaluation services agreement.			
Remediation Applicant's Signature: <u>[Signature]</u>		Date: <u>7-26-07</u>	

III. Contact Person:

Contact's Name: <u>Kevin McCartney</u>	Contact's Name: <u>Andy Bajoral</u>
Company: <u>Bradburne, Briller & Johnson, LLC</u>	Company: <u>Bradburne, Briller & Johnson, LLC</u>
Street Address: <u>515 North State Street - Suite 2200</u>	Street Address: <u>515 North State Street - Suite 2200</u>
P.O. Box: <u>n/a</u>	P.O. Box: <u>n/a</u>
City: <u>Chicago</u> State: <u>IL</u> ZIP Code: <u>60610</u>	City: <u>Chicago</u> State: <u>IL</u> ZIP Code: <u>60610</u>
Phone: <u>312-644-8556 ext. 211</u>	Phone: <u>312-644-8556 ext. 213</u>

IV. Review & Evaluation Licensed Professional Engineer or Geologist ("RELPEG"), if applicable:

RELPEG's Name: _____	Company: _____
Street Address: _____	P.O. Box: _____
City: _____ State: _____ ZIP Code: _____	Phone: _____
Registration Number: _____	Licence Expiration Date: _____

All information submitted is available to the public except when specifically designated by the Remediation Applicant to be treated confidentially as a trade secret or secret process in accordance with the Illinois Compiled Statutes, Section 70(a) of the Environmental Protection Act, applicable Rules and Regulations of the Illinois Pollution Control Board and applicable Illinois EPA rules and guidelines. The Illinois EPA is authorized to require this information under Sections 415 ILCS 5/58.12 of the Environmental Protection Act and regulations promulgated thereunder. Disclosure of this information is required as a condition of participation in the Site Remediation Program. Failure to do so may prevent this form from being processed and could result in your plan(s) or report(s) being rejected. This form has been approved by the Permit Management Center.

RECEIVED
AUG 03 2007
IEPA/BOL

V. Project Documents Being Submitted:

Document Title: <u>Strategy & Sampling - Commercial Development</u>		Date of Preparation of Plan or Report: <u>06/13/2007</u>
Prepared by: <u>Bradburne, Briller & Johnson, LLC</u>		Prepared for: <u>Village of Lyons, IL c/o Robert K. Bush, Esq.</u>
Type of Document Submitted:		
<input type="checkbox"/> Site Investigation Report - Comprehensive	<input type="checkbox"/> Sampling Plan	
<input type="checkbox"/> Site Investigation Report - Focused	<input type="checkbox"/> Health and Safety Plan	
<input type="checkbox"/> Remediation Objectives Report-Tier 1 or 2	<input type="checkbox"/> Community Relations Plan	
<input type="checkbox"/> Remediation Objectives Report-Tier 3	<input type="checkbox"/> Risk Assessment	
<input type="checkbox"/> Remedial Action Plan	<input type="checkbox"/> Contaminant Fate & Transport Modeling	
<input type="checkbox"/> Remedial Action Completion Report	<input checked="" type="checkbox"/> Other: <u>Report of Phase II Environmental Site Assessment</u>	

Document Title: _____		Date of Preparation of Plan or Report: _____
Prepared by: _____		Prepared for: _____
Type of Document Submitted:		
<input type="checkbox"/> Site Investigation Report - Comprehensive	<input type="checkbox"/> Sampling Plan	
<input type="checkbox"/> Site Investigation Report - Focused	<input type="checkbox"/> Health and Safety Plan	
<input type="checkbox"/> Remediation Objectives Report-Tier 1 or 2	<input type="checkbox"/> Community Relations Plan	
<input type="checkbox"/> Remediation Objectives Report-Tier 3	<input type="checkbox"/> Risk Assessment	
<input type="checkbox"/> Remedial Action Plan	<input type="checkbox"/> Contaminant Fate & Transport Modeling	
<input type="checkbox"/> Remedial Action Completion Report	<input type="checkbox"/> Other: _____	

VI. Professional Engineer's or Geologist's Seal or Stamp:

I attest that all site investigations or remedial activities that are the subject of this plan(s) or report(s) were performed under my direction, and this document and all attachments were prepared under my direction or reviewed by me, and to the best of my knowledge and belief, the work described in the plan and report has been designed or completed in accordance with the Illinois Environmental Protection Act (415 ILCS 5), 35 Ill. Adm. Code 740, and generally accepted engineering practices or principles of professional geology, and the information presented is accurate and complete.

Engineer or Geologist Name: _____ Professional Engineer's or Geologist's Seal or Stamp: _____

Company: _____ Phone: _____

Registration Number: _____

Signature: _____ License Expiration Date: _____

Note: The authority of a Licensed Professional Geologist to certify documents submitted to the Illinois Environmental Protection Agency for review and evaluation pursuant to Title XVII of the Environmental Protection Act is limited to Site Investigation Reports (415 ILCS 58.7(f), as amended by P.A. 92-0736, effective July 25, 2002). A Licensed Professional Geologist cannot certify Remediation Objectives Reports, Remedial Action Plans or Remedial Action Completion Reports.



ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

1021 NORTH GRAND AVENUE EAST, P.O. BOX 19276, SPRINGFIELD, ILLINOIS 62794-9276 - (217) 782-3397
JAMES R. THOMPSON CENTER, 100 WEST RANDOLPH, SUITE 11-300, CHICAGO, IL 60601 - (312) 814-6026

ROD R. BLAGOJEVICH, GOVERNOR DOUGLAS P. SCOTT, DIRECTOR

(217) 782-6761

7007 0220 0000 0154 8017

September 4, 2007

Village of Lyons c/o Robert Bush
Ancil Glink Diamond Bush Dicianni & Krafthefer, P.C.
140 South Dearborn Street
Chicago, IL 60606

Re: LPC# 0311715101 -- Cook County
Village of Lyons / Quarry Reclamation District TIF #4
Site Remediation / Technical Reports

Dear Mr. Bush:

The Illinois Environmental Protection Agency (Illinois EPA) has reviewed the *Report of Phase II Environmental Site Assessment, Report of Phase II Environmental Site Assessment and Limited Surface Flux Assessment, and Limited and Preliminary Soil-Gas Investigation Report* (all received August 3, 2007 / Log No 07-34660), submitted by Bradburne, Briller & Johnson, LLC for the Site Remediation Project located south of the southwest corner of Ogden & Lawndale Avenue, Lyons, Illinois. The referenced documents are denied because they do not address the requirements of Section 740 and 742.

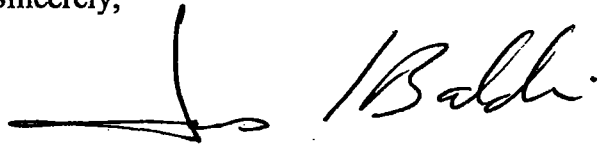
On August 27, 2007 the Illinois EPA met with Tim Bradburne and Kevin McCartney (Bradburne, Briller & Johnson, LLC), Anna Van Orden (Illinois EPA Des Plaines Regional Office) and Kevin Close (Municipal Consultant) to discuss the requirements necessary in obtaining a comprehensive no further remediation letter. The comments below highlight our discussion in addressing the requirements of Section 740 and 742.

- 1) In accordance with Section 740 Subpart D all remedial applicants entering a site into the Site Remediation Program must submit documentation that meets the requirements for a Site Investigation, Determination of remediation objectives, Remedial Action, and Remedial Action Completion.
 - The Site Investigation Report must address the requirements of Section 740.415, 420, and 425.
 - The Remediation Objectives Report must demonstrate that the requirements for excluding an exposure route under 35 Ill. Adm. Code 742 has been satisfied.
 - The Remedial Action Report describes a proposed remedy toward achieving the approved remediation objectives for the remediation site.
 - The Remedial Action Completion Report shall demonstrate that remedial action was completed in accordance with the approved Remedial Action Plan and remediation objectives.

methods identified in 35 IAC 186.180, shall be completed by an accredited laboratory in accordance with the requirements of 35 IAC 186. Quantitative analyses not utilizing an accredited laboratory in accordance with Part 186 shall be deemed invalid.

The Illinois EPA requests a written response to the comments presented above. Please submit the original and one copy of all future reports or correspondence to the Illinois EPA regarding this site. If you have any questions regarding the comments above, I may be contacted at the address above or (217) 524-7207.

Sincerely,

A handwritten signature in black ink, appearing to read "J. Baldwin", is written over a horizontal line.

James L. Baldwin, LPG
Project Manager
Voluntary Site Remediation Unit
Remedial Project Management Section
Division of Remediation Management
Bureau of Land

JLB:jlb

cc: Tim Bradburne
Bradburne, Briller & Johnson, LLC
515 North State Street, Suite 2200
Chicago, IL 60610

Kevin Close
Municipal Consultant
3628 Prairie Avenue
Brookfield, IL 60513

From: "James Baldwin" <James.Baldwin@illinois.gov>
To: <rjonak4351@comcast.net>
Subject: Re: Village of Lyons property on Lawndale Ave.
Date: Thursday, September 13, 2007 8:13:00 AM

Bob, I made no such comment concerning the land title contract between Material Service and the Village of Lyons. In the report I received a statement was made that an agreement was made by the Village of Lyons with Material Service that "a provision in the real estate purchase agreement prevented the new owner from collecting samples for environmental profiling at depths greater than five feet below ground surface" (Page 1, Limited and Preliminary Soil Gas Investigation Report, February 23, 2007). I believe you have a copy of this report because it mentions your name on the title page.

I cannot answer your groundwater question cause I do not know the direction of groundwater flow and if a source of contamination actually exist. This is why the soil and groundwater investigation must to be performed.

You must remember this site is in the Voluntary Site Remediation Program. All requirements in conducting the investigation and remediation is in the hands of the remedial applicant (ie Village of Lyon's). We oversee to make sure the remediation is done correcting and in accordance with the regulations. If the Village deems it is save to construct, I cannot stop it. But no NFR letter will be issued until all requirements for obtaining it has been completed.

Hope this helps, JLB

James L Baldwin LPG
Illinois Environmental Protection Agency
Site Remediation Program, Bureau of Land
Ph: 217-524-7207